

FILED

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

2020 OCT 28 PM 3:21

DISTRICT COURT
DOÑA ANA COUNTY NM

Jessie James Yoder
Plaintiff/Petitioner,

vs.

No. CV 2020-2282
Judge: Marci E. Beyer

CITY OF LAS CRUCES
Defendant/Respondent.

APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY

I request that the court enter an order permitting me to file this case without prepayment of fees and costs and give upon my oath or affirmation the following statement.

My marital status is (check one): ☒ Single ☐ Married ☐ Divorced ☐ Separated ☐ Widowed

I request interpretation services (check one): ☐ YES ☒ NO

If yes, please describe what you need: _____

INFORMATION ABOUT MY FINANCES (✓ check all that apply to you and fill in the blanks):

A. PUBLIC ASSISTANCE

☐ I DO NOT RECEIVE PUBLIC ASSISTANCE

(If you check this blank, go directly to Section B, EMPLOYMENT/UNEMPLOYMENT on page 2).

☒ I CURRENTLY RECEIVE THE FOLLOWING PUBLIC ASSISTANCE:

In: LAS CRUCES County DOÑA ANA State N.M.

(please ✓ check all applicable public assistance programs):

- ☐ Temporary Assistance for Needy Families (TANF)
- ☒ Food Stamps
- ☒ Medicaid (for myself)
- ☐ General Assistance (GA)
- ☒ Supplemental Security Income (SSI)
- ☐ Public Housing
- ☐ Disability Security Income (DSI)
- ☐ Department of Health Case Management Services (DHMS)
- ☒ Other (please describe SOCIAL SECURITY)

EXHIBIT A

B. EMPLOYMENT/UNEMPLOYMENT (✓ check and fill-out the paragraphs that apply to you):☒ **I AM CURRENTLY UNEMPLOYED**

I have been unemployed for 36+ months in the past year. I am unemployed because I Am Disabled.

- ☐ I receive unemployment benefits in the amount of \$ _____ per month.
☒ I have no income because I am unemployed.

☐ **I AM EMPLOYED**

I am paid \$ _____ per hour and work _____ hours per week.

My employer's name, address and phone number is:

(Name of Employer) _____

(Address) _____

(City/State/Zip) _____

(Telephone) _____

☐ **I AM MARRIED and my spouse is unemployed**

My spouse has been unemployed for _____ months in the past year because _____

- ☐ My spouse receives unemployment benefits in the amount of \$ _____ per month.

☐ **I AM MARRIED and my spouse is employed**

My spouse is paid \$ _____ per hour and works _____ hours per week.

My spouse's employer's name, address and phone number is:

(Name of Employer) _____

(Address) _____

(City/State/Zip) _____

(Telephone) _____

C. OTHER SOURCES OF INCOME (✓ check and fill-out all the paragraphs that apply to you):

- ☐ I have income from another source not mentioned above.

<input type="radio"/> Child Support \$	_____
<input type="radio"/> Alimony \$	_____
<input type="radio"/> Investments \$	_____
<input type="radio"/> Community property from my spouse	\$ _____
<input type="radio"/> Other _____	\$ _____

- ☐ I do not have any other sources of income.

- ☐ **I AM MARRIED** and my spouse has income from another source not mentioned above.

<input type="radio"/> Child Support \$	_____
<input type="radio"/> Alimony \$	_____
<input type="radio"/> Investments \$	_____
<input type="radio"/> Other _____	\$ _____
<input type="radio"/> Other _____	\$ _____

- ☐ **I AM MARRIED** and my spouse does not have any other sources of income.

- ☐ Another adult contributes to household income in the following amount:

\$ _____

D. OTHER ASSETS (Please list other assets owned by you or your spouse that can be turned into cash. Do not include money you have in retirement accounts):

Cash on hand	\$	<u>20.00</u>	
Bank accounts	\$	<u>142.00</u>	
Income tax refund	\$	<u>0</u>	
Other assets (describe):		_____	\$ _____
		_____	\$ _____

- ☒ **IF YOU DO NOT HAVE ACCESS TO YOUR OWN OR YOUR SPOUSE'S INCOME OR ASSETS, EXPLAIN WHY.**

E. MONTHLY EXPENSES

House Payment/Rent	\$ <u>187.⁰⁰</u>
Utilities	\$ <u>100.⁰⁰</u>
Telephone	\$ <u>175.⁰⁰</u>
Groceries (after food stamps)	\$ <u>175.⁰⁰</u>
Car Payment(s)	\$ <u>0</u>
Gasoline	\$ <u>100.⁰⁰</u>
Insurance	\$ <u>175.⁰⁰</u>
Child Care	\$ <u>0</u>
Student and Consumer Loans	\$ <u>0</u>
Court-ordered family support obligations	\$ <u>0</u>
Other court-ordered payments	\$ <u>0</u>
Medical expenses	\$ <u>0</u>
Other _____	\$ <u>0</u>

F. HOUSEHOLD

I live at: (Address) 201 E. MONTANA AVE APT 175
 (City/State/Zip) LAS CRUCES, N.M. 88005
 The head of the household is Jessie James Yoder

This is the information on the other members of the household:

Name	Age	Employment	I support (✓)

This statement is made under oath. I hereby state that the above information regarding my financial condition is correct to the best of my knowledge. I hereby authorize the Court to obtain information from financial institutions, employers, relatives, the federal internal revenue service and other state agencies. If at any time the Court discovers that information in this application for free process was false, misleading, inaccurate, or incomplete at the time the application was submitted, the Court may require me to pay for any costs or fees that were waived under an order of free process that was granted based on the information in this application.

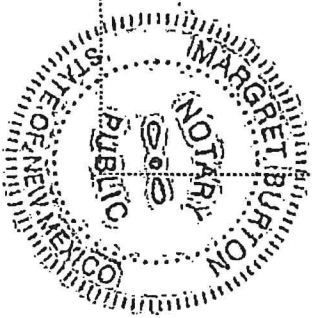
(Signature) Jessie James Yoder
 (Print Name) JESSIE JAMES YODER
☒ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ (Pro Se)
 (Street Address) 201 E. MONTANA APT 125
 (City, State, Zip Code) LES CRUCES, N.M. 88005
 (Telephone) (505) 621-3907
 (Email Address) JessieJamesYoder@outlook.com

STATE OF NEW MEXICO)
) ss
 COUNTY OF DONA ANA)

Signed and sworn to (or affirmed) before me on 14th October 2020 (date) by
Jessie James Yoder (name of applicant).

Margaret Burton
 Notary

My commission expires: 5/21/2023



**IF YOU ARE REPRESENTED BY AN ATTORNEY,
 YOUR ATTORNEY MUST SIGN THE FOLLOWING CERTIFICATE**

I, _____ (name of attorney), hereby certify that I have not received any attorney fee to represent _____ (name of applicant). If any attorney fee is paid to me, I understand that I shall pay to the court clerk from such attorney fee any court fees and costs that may be waived by the court.

(Attorney Signature) _____
 (Address) _____
 (City, State, Zip Code) _____
 (Telephone/Fax Number) _____
 (Email Address) _____

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

FILED

2020 OCT 28 PM 3:26

DISTRICT COURT
DOÑA ANA COUNTY, NM

SESSIE James Yoder
Plaintiff/Petitioner,

vs.

No. CV 2020-2282
Judge: Marci E. Beyer

CITY OF LAS CRUCES
Defendant/Respondent.

ORDER ON APPLICATION FOR FREE PROCESS

THIS MATTER having come before the court on Petitioner's application for free process and affidavit of indigency, or upon Petitioner's attorney's certificate supporting indigency and free process pursuant to Rule 23-114(B)(2) NMRA, and the court being otherwise advised in the premises,

FINDS that:

- ☐ the applicant is entitled to free process in accordance with Rule 23-114(B)(2) NMRA.
- ☒ the applicant receives public assistance and is, therefore, entitled to free process.
- ☐ the applicant's annual gross income does not exceed _____ of the federal poverty guidelines, and the applicant is, therefore, entitled to free process.
- ☐ the applicant's annual gross income exceeds _____ of the federal poverty guidelines, but the applicant is not reasonably able to pay fees or costs and is, therefore, entitled to free process.
- ☐ on the basis of the applicant's available funds or annual gross income, the applicant is not entitled to free process.

THE COURT ORDERS that:

- ☒ the filing fee is waived.
- ☐ the filing fee is waived except for the \$_____ alternative dispute resolution (ADR) fee.
- ☐ the applicant is granted free service of process by the Sheriff in _____ County, New Mexico for 1 2 3 4 5 or _____ summons(es), provided that the applicant first attempts service by certified mail pursuant to Rule 1-004 NMRA.
- ☐ the applicant is granted free service by the Sheriff in _____ County, New Mexico, of a temporary restraining order or _____.
- ☐ the applicant is to pay the filing fee on _____, 20____.
- ☐ interpretation services shall be provided to the applicant.
- ☐ free process is denied.
- ☐ Other:

Unless specifically granted above, this order of free process does not include the following costs: jury fees, certification fees, subpoena fees for witnesses, witness fees for hearings or trials, mailings, long distance charges, transcripts for appeals or record proper, duplication fees for audiotapes or compact discs, copy charges, publication fees, or facsimile services. Application for all other costs are to be made to the judge assigned to your case. If the applicant prevails in this law suit and collects money by judgment or settlement, the court may order reimbursement for any waived costs. If the applicant is represented by an attorney who is paid an attorney fee, any fees or costs waived by this order must be deducted from any such attorney fee and paid to the court clerk. ***This order is subject to revision, modification or rescission by the judge assigned to your case.***


DISTRICT COURT JUDGE

~~Marci E. Beyer~~

James T. Martin

FILED *yc*

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

2020 OCT 28 PM 3: 20

DISTRICT COURT
DOÑA ANA COUNTY NM

Jessie James Yoder, Plaintiff,
(print first, middle and last name)

v.

Case No. CV 2020-2282
Judge: Marci E. Beyer

City of Los Cruces, Defendant.
(print first, middle and last name)

CIVIL COMPLAINT

1. Plaintiff or defendant resides, or may be found in, or the cause of action arose in this county.
2. Plaintiff claims from Defendant the amount of \$ 125,000.00 and also claims interest and court costs.
3. Plaintiff claims from Defendant personal property of the value of \$ 0, which is described as follows:
NA
4. Plaintiff seeks the following additional relief:
\$125,000.00 Set
5. Plaintiff's claim arises from the following event or transaction:
I was assaulted on December 26, 2019
And two Police officers Approached I forced my arms
Back and the other Beat me in the chest.
6. Trial by jury ☒ IS ☐ IS NOT demanded. (If a jury is demanded, an additional cost must be paid upon filing.)

Respectfully submitted,

(SIGN YOUR NAME) Jessie James Yoder
(PRINT YOUR NAME) Jessie James Yoder
(YOUR MAILING ADDRESS) 201 Montana #175
(CITY/STATE/ZIP) Los Cruces, NM 88005
(YOUR TELEPHONE) (505) 621-3907
(Email Address) Jessie James Yoder@outlook.com

VERIFICATION

STATE OF NEW MEXICO }
COUNTY OF DONA ANA } ss

I, Jessie James Yoder, being first duly sworn upon my oath, depose and state that I am the PLAINTIFF in the above-entitled cause. I state that the contents of this COMPLAINT are true and correct, except to the matters stated on information and belief, and those matters I believe to be true.

Jessie James Yoder
(SIGN YOUR NAME)
Jessie James Yoder
(PRINT YOUR NAME)

SUBSCRIBED AND SWORN to before me on this 22 day of October, 2020, by:

Jessie James Yoder, Petitioner.

Cheridye N. Ortiz
Notary public or other officer authorized to administer oaths

Notary Public
Title

My commission expires: ☐ Indefinite ☒ Date 9/15/21



STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT

FILED *yk*

2020 OCT 28 PM 3: 33

DISTRICT COURT
DONA ANA COUNTY, NM

JESSIE JAMES YODER,

Plaintiffs,

VS.

CaseNo. **D-307-CV-2020-02282**

Judge

CITY OF LAS CRUCES,

Marci E. Beyer

Defendants,

**ORDER REQUIRING SCHEDULING REPORTS,
A DISCOVERY PLAN, EXPERT WITNESS DISCLOSURE,
AND LIMITING STIPULATIONS TO ENLARGE TIME
FOR RESPONSIVE PLEADINGS**

IT IS SO ORDERED:

- A. Plaintiff shall serve a copy of this order on each defendant with the summons and complaint and file a certificate of such service. Parties other than plaintiffs who assert claims against others who have not been served with this order shall serve a copy of this order on those against whom they assert claims with the pleading asserting such claims and shall file a certificate of such service.
- B. Within sixty (60) calendar days after the initial pleading is filed, parties of record shall file a scheduling report with copies to opposing parties and the assigned judge. Parties shall confer and are encouraged to file a Joint Scheduling Report, LR3-Form 2.12 NMRA for Track A or LR3-Form 2.13 for Tracks Band C, or, if they cannot agree, file an individual Scheduling Report, LR3-Form 2.13 NMRA. *See* copies of forms attached hereto.
- C. Any party who enters an appearance in the case more than sixty (60) calendar days after the filing of the initial pleading shall file a scheduling report within ten (10) business days and deliver a copy to the assigned judge.

- D. If all parties are not of record within sixty (60) calendar days of the filing of the initial pleading, the party making claims against the absent parties (*Plaintiff for Defendants, Third-Party Plaintiffs for Third-Party Defendants, etc.*) shall, within five (5) business days after the sixtieth (60th) day, file and serve parties of record and deliver to the assigned judge, a written explanation why the case is not at issue and how much time is needed before the case will be at issue. The notice shall be titled "Delay in Putting the Matter at Issue."
- E. Counsel or parties who do not have attorneys may not stipulate to an enlargement of time greater than fourteen (14) calendar days for the filing of a responsive pleading without a motion and order. The motion shall state with particularity the reason(s) an enlargement is in the best interests of the parties. A copy of the motion and stipulation shall be delivered to all parties as well as counsel. The enlargement requested shall be for a specified time.
- F. When all parties have been joined and the case is at issue, the parties shall immediately notify in writing the assigned judge and the alternative dispute resolution coordinator.
- G. If appropriate, the court will refer this matter to settlement facilitation under Part VI of the Local Rules of the Third Judicial District Court.
- H. Within seventy-five (75) calendar days from the date the initial pleading is filed, or fifteen (15) calendar days after the parties alert the Court that the case is at issue, the parties shall either:
- (1) stipulate to a discovery plan and file the stipulation with the court, or
 - (2) request a hearing to establish a discovery plan pursuant to Paragraph F of Rule 1-026 NMRA.
 - (3) In the absence of a stipulated discovery plan or a timely request from a party for a hearing to establish a discovery plan, the following plan shall go into effect:
Within one hundred (100) calendar days after the initial pleading was filed or fifteen (15) calendar days after a party has entered the suit, whichever is the later date, each party shall provide to all other parties:
 - a. The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed issues raised by the pleadings, identifying the subjects of the information;

- b. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to disputed issues raised by the pleadings;
- c. A computation of any category of damages claimed by the disclosing party, providing copies or making available for inspection and copying the documents or other evidentiary materials and medical records and opinions, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered;
- d. For inspection and copying, any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment;
- e. If the medical condition of a party is at issue, such party shall give a medical release authorization to opposing parties. The parties shall confer regarding the nature and extent of the release and stipulate, if possible. If the parties cannot agree, each party shall file a memorandum with a proposed medical release authorization advocating that party's proposed form to the court. A copy of the memorandum and proposed form shall be delivered to the assigned judge. Rule 1-007.1 NIMRA shall apply.

I. Pursuant to Rule 1-026(E) NMRA, parties shall reasonably supplement discovery required in Subparagraphs (3)(a) through (e) of Paragraph Hof this Order.

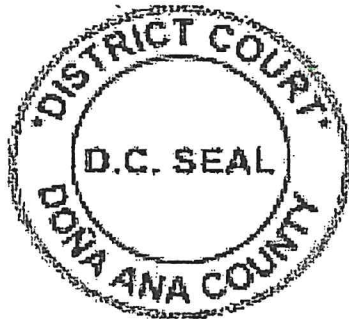
J. Intent to Call Expert Witness - Disclosure. All parties shall exchange a "Notice of Intent to Call Expert Witness(es)" listing the names, addresses and phone numbers for all anticipated experts, including a brief summary of the subject matter of each witness' testimony. If an expert has not yet been identified by a party, the parties must list the specialized area(s) in which an expert is anticipated to be retained and a brief summary of the areas or issues on which the expert is expected to testify.

With respect to each expert listed, all parties are to observe their continuing duty to timely supplement discovery and shall further abide by the requirements of Section 8 of the attachment to the Rule 16(B) Scheduling Order.


DISTRICT COURT JUDGE

Delivered to Plaintiff on Wednesday October 28, 2020.

David S. Borunda
Clerk of the District Court





Deputy / Judicial Specialist II

LR3-Form 2.12

Supreme Court Approved
August 6, 2004

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRDJUDICIAL DISTRICT COURT

Plaintiff

vs.

NO.: D-307-CV
Judge:

Defendant

JOINT SCHEDULING REPORT STIPULATING TO TRACK A

Come now all the parties to this case, (by their counsel of record) and stipulate as follows:

- 1 The court has subject matter and personal jurisdiction, and venue is proper.
- 2 This case is appropriate for assignment to Track A
- 3 The parties do not intend to amend the pleadings or file dispositive motions
- 4 All parties will be ready for trial by _____ *(no more than six (6) months from filing of complaint)*
- 5 Witness lists will be exchanged and filed forty-five (45) days before trial
- 6 Discovery limited to interrogatories, requests for production and admission and no more than two (2) depositions per party.
- 7 All parties and counsel will either (a) select a facilitator by agreement of the parties, or (b) request the court's ADR coordinator to select a facilitator and will engage in a settlement conference within ninety (90) days from the date of the filing of the complaint.
The parties may move for enlargement of time for the settlement conference for good cause shown The parties shall share the facilitator's fee, if any, equally.

8. Exhibits: exchanged at least fifteen (15) days before trial.

This Jury 6 12 nonjury) matter will take hours to try.

9. Conflicting court hearings (or other conflicts which show good cause for not setting trial)

for two (2) months following the date the matter is ready for trial:

10. Other: _____

SUBMITTED BY:

Name of party:

Attorney:

Address:

Telephone Number

Name of party:

Attorney:

Address:

Telephone Number

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed, delivered or faxed a copy to the assigned judge and each party or each party's attorney on the _____ day of _____, 20__.

Signature _____

LR3-Form 2.13. (_____ 's) Joint) scheduling report.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT

, Plaintiff

vs.

NO.: D-307-CV

Judge:

, Defendant

(_____ 'S) (JOINT) SCHEDULING REPORT

1. This case should be assigned to Track _____
2. Jurisdiction and Venue: _____ Stipulated; _____ Disputed;
Why: _____
3. _____ NonJury; _____ 6-person jury; _____ 12-person jury.
4. Significant legal issues, if any: _____
5. Trial witnesses presently known (defendant's, plaintiffs, etc.): _____
State expert type: _____
6. Settlement
_____ [I] [We] have sufficient information to evaluate the case.
_____ [I] [We] have provided sufficient information for opposing parties to evaluate the case.
_____ [I] [We] need the following information from _____ to evaluate the case: _____
_____ [I] [We] need the following discovery to obtain information sufficient to evaluate the case:
Explain why such information cannot be obtained informally without formal discovery:
_____ [I] [We] have scheduled a settlement conference on _____, 20____ with _____ (facilitator) or have requested the court's ADR coordinator to refer to facilitation.
Or
_____ [I] [We] request that this not be referred to facilitation because:
The possibility of settlement is __ good, _____ fair, _____ poor.

7. Discovery:

[I] [We] estimate it will take _____ months to complete discovery. (*Attach discovery plan if stipulated, or request for setting a discovery conference if wanted*) If any party requests a discovery conference, answer the following:

The party submitting this scheduling report intends to do the following discovery:

(*If this is a joint scheduling report, each party shall answer this question.*)

[Plaintiff] [Defendant] intends to do the following discovery:

8. [I] [We] estimate that trial will take _____ court days to try-

9. Dates counsel will not be available for trial due to the following conflicting court settings
(*beginning with the date immediately following the time you estimate discovery will be completed*). _____

10. Stipulations: _____

11. Other: _____

SUBMITTED BY:

Name of party: _____

Attorney: _____

Address: _____

Telephone Number _____

Name of party: _____

Attorney: _____

Address: _____

Telephone Number _____

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed, delivered or faxed a copy to the assigned judge and each party or each party's attorney on the _____ day of _____ 20____

Signature